

**REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed October 4, 2006. Claims 1-5 and 7-10 were pending in the present application. This Amendment amends claims 1-5, 7-8, and 10; and adds new claims 11-12; leaving pending in the application claims 1-5 and 7-12. Reconsideration of the rejected claims and consideration of the newly presented claims is respectfully requested.

**I. Rejection under 35 U.S.C. §102**

Claims 1-5 and 7-10 are rejected under 35 U.S.C. §102(b) as being anticipated by *Martinez* (US 5,208,446). Applicants respectfully submit that *Martinez* does not disclose each element of these claims.

For example, Applicants' claim 1 as amended recites a method of delivering at least one item or service from a provider to a receiver, the method comprising:

receiving an order from the receiver for at least one item or service available from the provider and providing the receiver with an order identifier in response thereto;  
obtaining the order identifier from the receiver at a time of delivery;  
providing information regarding the order identifier obtained at the time of delivery to a financial processor;  
in response to the information regarding the order identifier being provided to the financial processor, providing payment for the at least one item or service from the financial processor to the provider; and  
in response to payment being provided to the provider, delivering the at least one item or service to the receiver

(*emphasis added*). Such limitations are not disclosed by *Martinez*.

*Martinez* discloses an apparatus allowing credit card information, for example, to be accepted, verified, and processed contemporaneously with the delivery of goods (col. 1, lines 6-35). The apparatus accepts credit information for the recipient and transmits the credit information for approval (col. 2, lines 13-58). This requires the recipient to have credit information, such as a credit or bank guarantee card (col. 1, lines 3543). Further, this approach requires the recipient to provide this credit information to the delivery person, which some customers might be reluctant to do.

The invention of Applicants' claim 1, however, does not require that a recipient have credit information (e.g., a credit card) and/or that the recipient provide credit information to the delivery person. As recited in Applicants' claim 1, the intended recipient of an item or service of an order receives an order identifier in response to an order being placed for that item or service. As disclosed in the specification and recited in claim 11, for example, this order identifier can take the form of a reference number, tracking number, authorization number, or purchase order-type document. At substantially the time of delivery, the intended recipient then can simply provide this identifier to the delivery person, and does not have to transfer any credit information to the delivery person. The delivery person then can provide information about the order identifier, such as a purchase order number, to a financial processor (which may have an existing relationship with the intended recipient, for example), which then can indicate that payment is available, has been made, will be made, etc., for the order, whereby the delivery person can deliver the item or service to the intended recipient. *Martinez* does not disclose such limitations, as *Martinez* instead requires the use and providing of credit information for real-time authorization, and does not disclose or suggest an order identifier-based approach. *Martinez* therefore cannot anticipate Applicants' claim 1 or the claims that depend therefrom. Claims 5 and 7 recite elements that similarly are not disclosed by *Martinez* for reasons including those discussed above, such that these claims and the claims that depend therefrom also cannot be rendered obvious by *Martinez*. Applicants therefore respectfully request that the rejections with respect to claims 1-5 and 7-10 be withdrawn.

## **II. Amendment to the Claims**

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter to the specification.

## **III. Newly Presented Claims**

Claims 11-12 have been added to cover different aspects of the present invention. In particular, these claims recite types of order identifiers that can be used with claims 1 and 5,

such as are recited in claim 8. As discussed above, *Martinez* does not disclose, teach, or suggest such limitations, such that claims 11-12 should be allowable over *Martinez*. These claims are supported by the specification and do not add new matter. Applicants therefore respectfully request consideration and allowance of newly presented claims 11-12.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-6331.

Respectfully submitted,



Jason D. Lohr  
Reg. No. 48,163

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 925-472-6331  
Fax: 415-576-0300  
Attachment  
JDL:slh  
60922804 v1